App. F. IX-4

Previous References. 1942-3 (War)

File No. 149-42
Serial Nos. 42 to 45

Later References.
W 22-43-3&4.
W 22-43-13.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four

Part B for July 1943.

SUBJECT

Amendments to the Defence of India Rules.

Examined
7/8/43.

9487

Amendments to the Defence of India Rules.

Continuation Sheet. War File No. 149-42 of 1942-3 Page. 1
Current No.

W.149-42-42 3487

(42)

Kind reference is invited to Notification No.5.DC. (34)/43 dated the 10th June 1943 of the Defence Department of the Government of India, published at Page 625 of the Gazette of India dated 12th June 1943, amending Rule 81 of the Defence of India Rules. The amendment provides for seizure and detention of property in respect of which any contravention of the Rules is committed, pending the direction of the court under sub-rule (4) of Rule 81.

Submitted with a draft Notification making a similar amendment to the rules in force in Mysore.

12969 17. JUN 43

may be advised

17/6.

Sec. 17/6

Law Secy)

Min Edn
This Sec Law

W 23/6/43

The Notification is in order.

JWW 23/6

23. JUN 43

JWK JWK

JW 299/42
24/6/43.

Law Secy)

SECY. LAW DEPT. 1570 23 JUN 1943 GOVT OF MYSORE

26 JUN 43
JWW 28/6

8/7

W 9/7/43

Amendments to Defence of India Rules.

... Kind reference is invited to Notfn of the Govt. of India, Defence Dept. No 5 DC (34)/43 dt 23-6-43 amending rule 81 of the Defence of India rules 1939. for orders if the amendments to cl (f). and the new sub clause rule (3C) may be adopted here. clause (ee) has yet has not been adopted here.

The question of adding rule ~~94A~~ 94A the new issue of Capital is separately under consideration in the Finl. Secty.

Sd
29/6/43. What is clause (ee)?

clause (ee) was added by Govt of India notfn dt 10-6-43 and it was proposed to be adopted here (vide previous p ref.) In view of the notfn dt 23-6-43 it is not necessary to adopt it. It is now proposed to omit cl (ee) & provisions for sanctions in cl (f).

Sd. Please draft by 29/6

Sd
29/6.

Continuation Sheet. File No. 149-42 of Indian Rules.
Current No. of 1942-3 Page.

30/6/43

3 0 JUN 1943
GOVT. OF MYSORE.
SECY. LAW DEPT.
GOVT. OF MYSORE.

Min (Ex) 5/7/43
Law Secy

The certification is in order.

Law Secy

7-7-43

7/7/43
Law 5/43
7.7.43

Date 8.7.43
No. 100

for ordinary Notification.

9/7/43.
Ex. Minister)

9/7

9/7/43

(43) Issue Notification & d 10-7-43 to Dy Comptr

WD 1140—GPB—50,000—5-11-42

Continuation Sheet. 94/W War 149-42 File No. / Current No. of 1942-3 Page.

(44)

T

346

Amendment to the Defence of India Rules.

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The Government of India have issued a notification No.5-DC(30)/43 dated the 29th May 1943 inserting a fresh rule - Rule 90-K - in the Defence of India Rules to provide for control of dealings in bullion. Clause(2) of the rule is to the effect that no person should enter into any forward contract or option in bullion and Clause (3) of the rule prescribes the penalty for contravention of the provisions of this rule under which the person contravening the rule is punishable with imprisonment for a term extending up to five years or with fine or with both. A similar amendment may perhaps be adopted in Mysore also.

A draft accordingly is submitted for approval or other orders.

Yes
WD
12/7/43

Secy
10/7/43

may be approved.

Min R x L
x Dewan

WD 12/7/43
Secy
12-7-43

Hon Secy Law
x H Secy

WD
13/7/43

Ka
16/7

WD
15/7/43

Secy
19/7/43

WD
18/7/43

GOVT OF MYSORE

SECY. LAW DEPT. 1943 GOVT OF MYSORE

FINANCIAL SECRETARIAT U.O. No. Fi. 293 14 JUL 1943

OFFICE OF THE MINISTER FOR REVENUE & LAW 16 JULY 1943 No. 468 1

JUL 1943

CHIEF SECRETARY 73

WD 1140—GPB—50,000—5-11-42

94 W Amendment to Defense Materials Rules

New Rule 90C

Continuation Sheet. War File No. 149-42 of 1942-3 Page.
Current No.

(45) Essex Notification 149/W, d 20th Aug. 43.
to ttc Confidential

W 149-42-43

No. W. 63
10.7.43

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules, as in force in Mysore, namely:

In Rule 81 of the said Rules,--

(A) in Clause (f) of sub-rule (2),--

(a) after the word "entering" the word "search" shall be inserted;

(b) after the words "compliance with the order" the following shall be inserted, namely:-

"the seizure, subject to the provisions of sub-rule (3C), by a persons authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed";

(B) after sub-rule (3B) the following sub-rule shall be inserted, namely:-

"(3C) Any articles seized under the authorit of any order made under clause (f) of sub-rule (2) shall be conveyed without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit, so however, that where no prosecution is instituted for a contravention of the order in respect of the articles seized within a period in his opinion reasonable, the Magistrate shall direct their return to the person from whom they were seized; and subject to the foregoing

P.T.O.

provisions of this sub-rule, the provisions of the Code of Criminal Procedure, 1904 shall so far as they may be applicable, apply to any search or seizure under the authority of any such order as they apply to any search or seizure under Chapter VII of that Code."

By Order,

Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication.

W.149-42-43

D.119/20.7.43

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Defence of India Rules, as in force in Mysore namely:-

After rule 90-B of the said rules, the following rule shall be inserted, namely:-

"90C. Control of dealings in bullion.--

(1) In this rule--

(a) 'bullion' means gold or silver bullion;

(b) 'contract' means a contract made, or to be performed in whole or in part, in Mysore relating to the sale or purchase of bullion, and includes an option in bullion;

(c) 'forward contract' means a contract for the delivery of bullion at a future date, such date being later than twelve days from the date of the contract;

(d) 'option in bullion' means a contract made, or to be performed in whole or in part, in Mysore for the purchase or sale of a right to buy, or a right to sell, or a right to buy or sell, bullion in future, and includes a teji, a mandi or a teji-mandi in bullion.

(2) No person shall enter into any forward contract or option in bullion.

(3) If any person contravenes the provisions of this rule, he shall be punishable with

P.T.O.

imprisonment for a term which may extend to five years or with fine or with both."

By Order,

Chief Secretary to Government.

To--The Compiler, Mysore Gazette, for publication, and supply of 150 copies to this office, 25 to the Inspector General of Police and 30 to each of the Deputy Commissioners of Districts.

Memo no. Copy to D.I. Secy.
L.120/20.7.43.